

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 5:19-CR-3-KHJ-LGI

BORIS WARD

ORDER

This matter is before the Court on the Petition for Writ of Habeas Corpus [115] filed by Defendant Boris Ward. Ward is a federal pretrial detainee housed at the Madison County Detention Center. He brings this petition under 28 U.S.C. § 2241 seeking release or transfer because of the ongoing COVID-19 pandemic. Ward also argues that the Court should release or transfer for him for “medical service for his vision and dental that is not offered at the correctional facility.” Petition [115] at 5. Ward is not entitled to habeas relief under § 2241.

The Fifth Circuit has held that “habeas is not available to review questions unrelated to the cause of detention. Its sole function is to grant relief from unlawful imprisonment or custody and cannot be used for any other purpose.” *Rice v. Gonzalez*, 985 F.3d 1069, 1070 (5th Cir. 2021) (quoting *Pierre v. United States*, 525 F.2d 933, 935-36 (5th Cir. 1976)). Although Ward “might more likely be exposed to COVID-19 during confinement” and “may have certain common underlying health conditions,” these circumstances “do not impugn the underlying legal basis for the

fact or duration of his confinement.” *Id.* Habeas relief is unavailable to Ward on these bases. *Id.* The Court therefore denies his Petition [115].

IT IS THEREFORE ORDERED AND ADJUDGED, that the Petition for Writ of Habeas Corpus [115] is DENIED.

SO ORDERED, this the 5th day of March, 2021.

s/ *Kristi H. Johnson*
UNITED STATES DISTRICT JUDGE